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CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER LIU, ERIC	
			ART UNIT	PAPER NUMBER
			3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/613,383

Applicant(s)

LIMAN, HARTONO

Examiner

Eric Liou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/8/05 and 10/14/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 8-14 are rejected under 35 U.S.C. 101.

3. Referring to claims 8-14. Claims 8-14 do not provide a practical application that produces a useful result. For an invention to be “useful” it must satisfy the utility requirement of section 101. The USPTO's official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible. MPEP § 2107.

4. Claim 8 discloses a method for fulfilling a reservation request. However, the last step of claim 8 merely provides allowing a reservation. Thus, the preamble purports the utility of fulfilling a reservation, but the body of the claim is not commensurate with the scope of the preamble, and does not provide the “active steps” necessary to achieve the purported utility.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6, 16, and 18-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al., U.S. Patent No. 6,085,169.

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7. As per claim 1, Walker teaches a system for efficient distribution of inventory allotments among a plurality of tiers, comprising: an allotment database for storing maximum inventory allotments corresponding to inventory categories for each tier (Walker: Figure 14 and column 18, lines 17-34); and an allotment engine configured for monitoring the maximum inventory allotments for each tier and a total inventory available for each inventory category (Walker: column 18, lines 20-23, “the airline’s ARS will preferably decrement the available inventory recorded in the seat allocation database”).

8. As per claim 2, Walker teaches the system of claim 1 as described above. Walker further teaches the inventory is hotel rooms and the inventory categories are hotel room categories (Walker: column 6, lines 6-11, “hotel accommodations”).

9. As per claim 3, Walker teaches the system of claim 1 as described above. Walker further teaches an availability database for storing the total inventory available (Walker: Figure 14 and column 18, lines 28-34).

10. As per claim 6, Walker teaches the system of claim 1 as described above. Walker further teaches a plurality of rates wherein each of the plurality of rates corresponds to a different inventory category and tier (Walker: Figure 13 and column 13, lines 1-3).

11. As per claim 16, Walker teaches a method for establishing a maximum allotment distribution system, comprising: establishing a plurality of tiers (Walker: Figure 14 and column 18, lines 17-34, “each inventory class”), assigning each user to one of the plurality of tiers (Walker: lines 17-34, “...as inventory is sold by an airliner, the airline’s ARS will preferably decrement the available inventory recorded in the seat allocation database.” The Examiner interprets selling inventory to be assigning each user to one of the plurality of tiers.), and

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assigning a maximum inventory allotment for each inventory category to each of the plurality of tiers (Walker: Figure 14 and column 18, lines 28-34).

12. As per claim 18, Walker teaches the method of claim 16 as described above. Walker further teaches the inventory is hotel rooms and the inventory categories are hotel room categories (Walker: column 6, lines 6-11, "hotel accommodations").

13. As per claim 19, Walker teaches the method of claim 16 as described above. Walker further teaches establishing a plurality of rates wherein each of the plurality of rates corresponds to a different inventory category and tier (Walker: Figure 13 and column 13, lines 1-3).

14. As per claim 20, Walker teaches a computer readable medium having embodied thereon a program, the program being executable by a machine to perform a method for establishing a maximum inventory distribution system (Walker: column 9, lines 23-25, "The ROM 220 and/or data storage 230 are operable to store one or more instructions"), comprising: establishing a plurality of tiers (Walker: Figure 14 and column 18, lines 17-34, "each inventory class"), assigning each user to one of the plurality of tiers (Walker: lines 17-34, "...as inventory is sold by an airliner, the airline's ARS will preferably decrement the available inventory recorded in the seat allocation database." The Examiner interprets selling inventory to be assigning each user to one of the plurality of tiers.), and assigning a maximum inventory allotment for each inventory category to each of the plurality of tiers (Walker: Figure 14 and column 18, lines 28-34).

15. As per claim 21, Walker teaches a centralized system for distribution of maximum allotments to users, comprising: a user engine configured for organizing the users into a plurality of tiers (Walker: lines 17-34, the RMS/ARS organizes the users into a plurality of tiers); and a management engine for maintaining a maximum inventory allotment for each inventory category

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for each of the plurality of tiers (Walker: column 18, lines 17-34, the RMS and ARS maintain the inventory allotment for each inventory category).

16. As per claim 22, Walker teaches the system of claim 21 as described above. Walker further teaches the inventory is hotel rooms and the inventory category is a hotel room category (Walker: column 6, lines 6-11, "hotel accommodations").

17. As per claim 23, Walker teaches the system of claim 21 as described above. Walker further teaches the management engine further comprises an allotment engine configured for determining if a request for inventory may be fulfilled (Walker: column 8, lines 28-31, the CRS makes reservations).

18. As per claim 24, Walker teaches the system of claim 21 as described above. Walker further teaches a tier of the plurality of tiers comprises at least one user (Walker: Figure 14). The Examiner notes, a tier (fare class) has at least one user when the said user has a reservation for a flight.

19. As per claim 25, Walker teaches the system of claim 21 as described above. Walker further teaches a tier of the plurality of tiers comprises a grouping of users having similar characteristics (Walker: Figure 14). The Examiner interprets the common desire to travel via plane to be the similar characteristic of the grouping of users.

20. As per claim 26, Walker teaches the system of claim 21 as described above. Walker further teaches the user engine further comprises a travel agent engine and the plurality of tiers are travel agent tiers (Walker: column 3, lines 40-42).

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21. As per claim 27, Walker teaches the system of claim 21 as described above. Walker further teaches the user engine further comprises a corporate engine and the plurality of tiers are corporate tiers (Walker: column 3, lines 60-63, "airline reservation system").

22. As per claim 28, Walker teaches the system of claim 21 as described above. Walker further teaches the user engine further comprises an other segment engine and the plurality of tiers are other segment tiers (Walker: column 3, lines 60-63, "airline reservation system"). The

~~Examiner interprets the airline reservation system to be the other segment.~~

23. As per claim 29, Walker teaches the system of claim 21 as described above. Walker further teaches the user engine further comprises a guest engine (Walker: column 3, lines 40-42).

The Examiner interprets the customer to be the guest.

### *Claim Rejections - 35 USC § 103*

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Walker et al., U.S. Patent No. 6,085,169 in view of Schiff et al., U.S. Publication No.

2003/0004760.

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26. As per claim 4, Walker teaches the system of claim 1 as described above. Walker does not teach a registration engine for verifying registered users and directing the registered user to their assigned tier.

27. Schiff teaches a registration engine for verifying registered users and directing the registered user to their assigned tier (Schiff: paragraph 0125).

28. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker to have included a registration engine for verifying registered users and directing the registered user to their assigned tier as taught by Schiff for the advantage of securing a system and allowing access to only authorized users (Schiff: paragraph 0125).

29. As per claim 11, Walker teaches the method of claim 8 as described above. Walker does not teach requiring the member to provide a member login and password in order to access the tier.

30. Schiff teaches requiring the member to provide a member login and password in order to access the tier (Schiff: paragraph 0125).

31. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Walker to have included requiring the member to provide a member login and password in order to access the tier as taught by Schiff for the advantage of securing a system and allowing access to only authorized users (Schiff: paragraph 0125).

32. As per claim 12, Walker teaches the method of claim 8 as described above. Walker does not teach requiring the member to provide a promotion code in order to assess the tier.



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33. Schiff teaches requiring the member to provide a promotion code in order to assess the tier (Schiff: paragraph 0125). The Examiner interprets a promotion code to be equivalent to a member login. The Examiner notes, the promotion code and member login both serve the same function of gaining access to the tier.

34. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Walker to have included requiring the member to provide a promotion code in order to assess the tier as taught by Schiff for the advantage of securing a system and allowing access to only authorized users (Schiff: paragraph 0125).

35. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No. 6,085,169 in view of Jung, U.S. Patent No. 4,775,936.

36. As per claim 5, Walker teaches the system of claim 1 as described above. Walker does not teach a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category.

37. Jung teaches a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category (Jung: column 2, lines 20-25).

38. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker to have included a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total

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inventory available for the single inventory category as taught by Jung for the advantage of producing maximum revenue while minimizing the number of dissatisfied customers (Jung: column 2, lines 20-25).

39. As per claim 17, Walker teaches the method of claim 16 as described above. Walker does not teach a total of the maximum inventory allotment for a particular inventory category is greater than a total inventory available for the particular inventory category.

40. ~~Jung teaches a total of the maximum inventory allotment for a particular inventory category is greater than a total inventory available for the particular inventory category.~~ (Jung: column 2, lines 20-25).

41. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Walker to have included a total of the maximum inventory allotment for a particular inventory category is greater than a total inventory available for the particular inventory category as taught by Jung for the advantage of producing maximum revenue while minimizing the number of dissatisfied customers (Jung: column 2, lines 20-25).

42. Claims 7-10, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No. 6,085,169 in view of Litman et al., U.S. Patent No. 6,990,457.

43. As per claim 7, Walker teaches the system of claim 1 as described above. Walker does not teach the allotment engine is further configured for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory

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allotment for the tier and the reservation request is less than or equal to the total inventory available.

44. Litman teaches the allotment engine is further configured for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available (Litman: column 2, lines 9-26).

45. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker to have included the allotment engine is further configured for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available as taught by Litman for the advantage of providing a transaction engine that determines if one or more items meet the parameters of the request (Litman: column 2, lines 1-3).

46. As per claim 8, Walker teaches a method for fulfilling a reservation request based on maximum inventory allotments among a plurality of tiers, comprising assigning a maximum inventory allotment for each inventory category to each tier (Walker: Figure 14 and column 18, lines 17-34, "the respective inventory available in each inventory class"). Walker does not teach comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier, comparing the reservation request with a total inventory available for the particular inventory category, and allowing a reservation for the particular inventory category if the

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reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available.

47. Litman teaches comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier (Litman: column 2, lines 17-20), comparing the reservation request with a total inventory available for the particular inventory category (Litman: column 2, lines 17-20; “The reservation engine accesses the hotel master database and the inventory database to obtain information associated with the request and determines one or more hotels that meet the parameters of the request.”), and allowing a reservation for the particular inventory category if the reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available (Litman: column 2, lines 23-26, “the reservation engine receives a reservation request for a hotel associated with a generic hotel listing and creates a reservation according to the reservation request”).

48. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker to have included comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier, comparing the reservation request with a total inventory available for the particular inventory category, and allowing a reservation for the particular inventory category if the reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available as taught by Litman for the advantage

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of providing a transaction engine that determines if one or more items meet the parameters of the request (Litman: column 2, lines 1-3).

49. As per claim 9, Walker teaches the method of claim 8 as described above. Walker further teaches the inventory is hotel rooms and the inventory categories are hotel room categories (Walker: column 6, lines 6-11, "hotel accommodations").

50. As per claim 10, Walker teaches the method of claim 8 as described above. Walker further teaches updating the total inventory available after allowing the reservation (Walker: column 18, lines 20-23, "the airline's ARS will preferably decrement the available inventory recorded in the seat allocation database").

51. As per claim 14, Walker in view of Litman teaches the method of claim 8 as described above. Walker further teaches charging the member a rate corresponding to the member's tier for the particular inventory category (Walker: Figure 14 and column 13, lines 1-3). The Examiner interprets the rates associated with the plurality of fare classes as taught by Walker to imply charging a rate corresponding to the member's tier for the particular inventory category.

52. As per claim 15, Walker teaches a computer readable medium having embodied thereon a program, the program being executable by a machine to perform a method for fulfilling a reservation request based on maximum inventory allotments among a plurality of tiers (Walker: column 9, lines 23-25, "The ROM 220 and/or data storage 230 are operable to store one or more instructions") comprising assigning a maximum inventory allotment for each inventory category to each tier (Walker: Figure 14 and column 18, lines 17-34, "the respective inventory available in each inventory class"). Walker does not teach comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment

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corresponding to the particular inventory category for the tier, comparing the reservation request with a total inventory available for the particular inventory category, and allowing a reservation for the particular inventory category if the reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available.

53. Litman teaches comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier (Litman: column 2, lines 17-20), comparing the reservation request with a total inventory available for the particular inventory category (Litman: column 2, lines 17-20), and allowing a reservation for the particular inventory category if the reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available (Litman: column 2, lines 23-26, “the reservation engine receives a reservation request for a hotel associated with a generic hotel listing and creates a reservation according to the reservation request”).

54. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Walker to have included comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier, comparing the reservation request with a total inventory available for the particular inventory category, and allowing a reservation for the particular inventory category if the reservation request is less than or equal to the maximum inventory allotment for the tier and the reservation request is less than or equal to the total inventory available as taught by Litman for the advantage

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of providing a transaction engine that determines if one or more items meet the parameters of the request (Litman: column 2, lines 1-3).

55. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No. 6,085,169 in view of Litman et al., U.S. Patent No. 6,990,457, and further in view of Jung, U.S. Patent No. 4,775,936.

56. As per claim 13, Walker in view of Litman teaches the method of claim 8 as described above. Walker in view of Litman does not teach a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category.

57. Jung teaches a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category (Jung: column 2, lines 20-25).

58. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Walker to have included a total of the maximum inventory allotment for all tiers in a single inventory category is greater than the total inventory available for the single inventory category as taught by Jung for the advantage of producing maximum revenue while minimizing the number of dissatisfied customers (Jung: column 2, lines 20-25).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The

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examiner can normally be reached on Monday - Thursday, 7:30-5:00 and Friday 7:30-4:00 (first Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MATTHEW S. GART  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600